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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 2 May 2003 from the Permanent Mission of Slovakia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Slovak Republic to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to submit herewith the report of the Slovak Republic in accordance with paragraph 6 of Security Council resolution 1455 (2003) (see annex).

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Annex to the note verbale dated 2 May 2003 from the Permanent Mission of Slovakia to the United Nations addressed to the Chairman of the Committee

Report by Slovakia on the implementation of Security Council resolution 1455 (2003)

I. Introduction

To date, the Slovak authorities have not identified the presence of individuals or entities that have been included in the 1267 Committee's Consolidated List, or individuals or entities having direct or indirect links with Usama Bin Laden or members of the Taliban or Al-Qaida organisations within the territory of Slovakia. There have been no cases of criminal activity uncovered in Slovakia, such as money laundering, immigration fraud, credit card fraud, marriage fraud, visa fraud, etc. qualified as carried out in support of the objectives or actions of these terrorist organisations.

On 7 March 2002, a group of Afghan immigrants had been intercepted by the Slovak police on the country's southern border with Hungary. After requesting asylum, they had been interned in the unguarded Adamov refugee camp near the Czech and Austrian borders. The group had been on its way through Bulgaria, Slovakia, Austria and the Czech Republic to the UK. The police had fingerprinted the group on their arrival at the Adamov camp. On 12 March 2002, the police received information that the group might include Al-Qaida and Taliban fighters and raided the camp to arrest them, but the Afghans were no longer present. They managed to escape from the refugee camp fleeing westwards across the border. It was later established that none of these individuals was connected to either of the above-mentioned terrorist organisations.

The overall terrorist threat level in Slovakia with respect to Usama Bin Laden, Al-Qaida and the Taliban is currently considered to be of "low risk". Recent intelligence reporting indicates little likelihood that Al-Qaida may attempt to attack civilians, local citizens and foreigners, economic or symbolic targets in Slovakia.

II. Consolidated list

The key domestic legislation act concerning the sanctions of the UN Security Council is the Act of the National Council of the Slovak Republic No. 460/2002 Coll. on the implementation of international sanctions maintaining or restoring international peace and security.

Pursuant to paragraph 2 of Act No. 460/2002 Coll., the Government of the Slovak Republic issued Decree No. 707/2002 Coll. implementing the UN Security Council sanctions relevant to the individuals and entities belonging to or associated with the Taliban and Al-Qaida organizations into domestic legislation, thus obligating nationals or any persons within the territory of the Slovak Republic to conform to all of the prohibitions of the sanction regime established by the UN Security Council.

An integral part of the Decree is the Consolidated List, as established and maintained by the 1267 Committee. The Decree is published in the Collection of Laws of the Slovak Republic.

The amendment to the Penal Code, effective as of 1 September 2002, introduced terrorism as a new criminal offence. The legal concept and definition of the crime of terrorism is contained in Article 94 of the Penal Code and the definition of a terrorist group is contained in its Article 89, paragraph 28. The Amended Penal Code provides that anyone who commits a crime of terrorism shall be subject to sentence of 12 to 15 years of imprisonment, or to an extraordinary sentence and forfeiture of property. The penal sanctions outlined in the Penal Code for the crime of establishing, masterminding and supporting a terrorist group in accordance with the Penal Code range from 5 to 15 years of imprisonment and forfeiture of property.

III. Financial and economic asset freeze

The financial prohibitions imposed by the UN Security Council financial sanctions regime relating to the Taliban and Al-Qaida have also been implemented by the Government Decree No. 707/2002 Coll. adopted in accordance with the Sanctions Act of the National Council of the Slovak Republic No. 460/2002 Coll.

Under Decree No. 707/2002 Coll., it is illegal for a national or any person within the territory of Slovakia to make available, directly or indirectly, funds, financial assets and economic resources to the individuals or entities listed in the 1267 Sanction Committee Consolidated List.

On 13 February 2003, the Slovak Ministry of Finance officially informed the Ministry of Foreign Affairs that it had conducted a verification of whether licensed banks, financial houses and financial institutions maintain accounts for the individuals or entities included in the 1267 Consolidated List. In all cases, a negative reply had been received, meaning that the institutions in question did not hold accounts for or on behalf of the sanctioned individuals or entities and consequently no funds had been frozen.

Under the Money Laundering Act No. 367/2000 Coll., banks or other financial institutions have a mandatory obligation to promptly report to the Financial police all transactions, when it is deemed that there is a suspicion of an attempt to legalise proceeds which are suspected of being derived from an unlawful conduct or intended for financing of terrorism.

According to the Banking Act No. 483/2001 Coll. a documentary customer identification proof is required. Under Article 89 of the Banking Act No. 483/2001 Coll., a bank or a branch office of a foreign bank must demand proof of identity from their customers in each transaction. Financial service providers shall refuse to conduct transaction for customers who request anonymity.

Furthermore, a proof of ownership of funds must be presented before any customer is allowed to conduct a cash transaction of € 15,000 or more, whether on his own or someone else's

behalf. If the customer is acting for someone else, the other person's identity must also be verified before the transaction is processed. The party on whose behalf a transaction is being conducted must give his/her written consent before the transaction is processed.

Under paragraph 1 of Article 42 of Banking Act, banks, financial institutions and other similar institutions must retain records of all data and hard copy of identity verification and funds ownership identification for a mandatory period of 5 years after the particular business transaction had been completed.

As regards the fight against money laundering, Slovakia has achieved good progress in this field by introducing measures to combat money laundering and to abolish anonymous savings books and accounts.

Slovakia is a member of the Select Committee of Experts on the Evaluation of Anti- Money Laundering Measures (MONEYVAL), which conducts self and mutual assessment exercises of the anti-money laundering measures in place in 21 Council of Europe countries, which are not members of the Financial Action Task Force (FATF). The aim of the Committee is to harmonise legal, financial and punitive measures in its member states, relying on the relevant international standards.

IV. Travel ban

Restrictions on travel of foreigners to and their residence in Slovakia are regulated by the Act of the National Council No. 48/2002 Coll. on the Residence of Foreigners as amended. The law includes, but is not limited to:

- Right to deny entry into the Slovak Republic, if the individual is an undesirable person;
- Right to deny entry into the Slovak Republic for security purposes and maintaining public order, protection of health conditions and rights and freedoms of other individuals;
- Negative decision on visa application (visa denial) by the Slovak Consulates abroad, based on the decision of the central national authority entrusted with determining eligibility for travel - the Border police;
- Negative decision on application for temporary or permanent residence in the Slovak Republic.

The above provisions constitute the legal basis for imposing travel restrictions on individuals and entities belonging to or associated with the Taliban and Al-Qaida organisations included in the 1267 Sanction Committee Consolidated List. They were also incorporated into the Order of the Head of the National Police Force on the entry and residence of foreigners in the Slovak Republic No. 17/2002, which further specifies the conditions under which a foreign individual can be barred from entering the country and sets out duties of the border police officials in this respect.

On 23 December 2002, the Interior Ministry issued Decree No. 78/2002 on the operation and utilisation of the population register for storing data on foreigners who face a ban on entering the country (the national "stop list"). This Decree enabled the targeted individuals and entities named in the 1267 Consolidated List to be placed in the category of undesirable persons.

Data relating to foreigners who are reported for the purposes of being refused entry is communicated to all border checkpoints and international airports on the territory of Slovakia by means of a specialised on-line system. The current format of the 1267 Consolidated List for the purposes of locating persons is inconsistent with the electronic system of data storage used by the border control authorities. The Consolidated List is made available to border and immigration authorities in the form of a text document (intranet or manual). It is forwarded to all relevant authorities, including consular offices of Slovakia abroad by the Ministry of Foreign Affairs each time it is updated by the 1267 Sanction Committee. The border checkpoints are transmitted the List via the Office of the Border police immediately upon its receipt from the Ministry of Interior of Slovakia or INTERPOL. The on-line system used for identification of individuals under travel restrictions is currently being updated. The new system that will be operational by 1 May 2003 will provide the authorities with the capability of searching the List electronically at all entry points.

V. Arms embargo

Slovakia applies a national embargo with respect to the countries that are subject to mandatory UN arms embargoes. The ban imposed by the UN Security Council on supply, sale and transfer of arms and related materiel to Usama bin Laden, members of Al-Qaida organisation and the Taliban is implemented by the Government Decree No. 707/2002 Coll.

In Slovakia, the legislation governing exports of arms and military materiel is contained in Act No. 179/1998 on Trading in Military Materiel as later amended. The legislation includes controls on arms brokers, who are required to seek government authorisation to take part in the trade and also to request licenses for each individual deal they mediate. Any person who willfully violates the Act on Trading in Military Materiel may be subject to a civil penalty up to 10 million Slovak Crowns (SKK) while the goods traded shall be liable to forfeiture. Furthermore, any violation under this Act may be considered as a criminal offence against the controlled goods and technology regulations punishable under Articles 124(a), 124(b) and 124(c) of the Penal Code by imprisonment of 3 to 8 years, pecuniary punishment, forfeiture of property or prohibition of business activity.

Slovakia places great emphasis on compliance with international commitments, relevant recommendations of multilateral military related export control regimes, agreements on non-proliferation, the EU Code of Conduct for Arms Exports, as well as other international obligations.